

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 4: Assessment	Effective Date: July 1, 2011
	Section 33: Standby Guardianship	Version: 1

POLICY **[NEW]**

The Indiana Department of Child Services (DCS) will consider the Standby Guardian or Alternate Standby Guardian as defined in IC 29-3-3-7 for purposes of determining the placement of a child who is the subject of:

1. An allegation of Child Abuse or Neglect (CA/N) under Indiana Code (IC) 31-33;
2. An open Child In Need of Services (CHINIS) case under IC 31-34; or
3. An open delinquency case under IC 31-37.

A Standby Guardian is a person named by the parent of a minor or guardian to assume legal custody of a child when that parent is no longer able to care for the child as a result of a triggering event (debilitation, incapacity or death).

The parent or guardian of a minor may, also, designate an Alternate Standby Guardian if the designated Standby Guardian is unable to serve, renounces the appointment, dies or becomes incapacitated.

This consideration is required, but not binding upon DCS, Probation or the Juvenile Court.

Note: Standby Guardians or Alternate Standby Guardians must still meet the requirements of DCS placements in order for a ward of DCS or Probation to be placed in their care, See separate policy, [8.1 Selecting a Placement Option](#).

The Standby Guardianship can be effective for 90 days upon death or incapacity of the parent of a minor or guardian.

When the parent or guardian of a minor names a Standby Guardian or Alternate Standby Guardian, or the alleged perpetrator is a Standby Guardian or Alternate Standby Guardian, then the Family Case Manager (FCM) will staff with the Supervisor, DCS Local Office Director (LOD) or designee, and a DCS Local Office Attorney.

Code References

1. [IC 31-33. Juvenile Law: Reporting an Investigation of Child Abuse and Neglect](#)
2. [IC 31-37. Juvenile Law: Delinquency](#)
3. [IC 29-3-1-7.5: Incapacitated Person](#)
4. [IC 12-7-2-61: Developmental Disability](#)
5. [IC 29-3-3-7: Declaration of standby guardians; required information; duration of the guardianship](#)

PROCEDURE

The FCM will:

1. Review any notarized documentation from the family regarding a guardianship;
2. Staff the case with their Supervisor, DCS LOD or designee and a DCS Local Office Attorney regarding the possible Standby Guardianship situation;
3. Consider the Standby Guardian or Alternate Standby Guardian for purposes of determining a placement if applicable; and
4. Document in the Management Gateway for Indiana's Kids (MaGIK) that the consideration was made.

PRACTICE GUIDANCE

Safely Home, Families First and Engaging Fathers

The Standby Guardian or Alternate Standby Guardian may be able to provide valuable information about a child's extended family and non-custodial parents. By engaging the Standby Guardian and using a [Family Network Diagram](#), the FCM can document valuable information about the child's history, extended family and identify informal supports to help reach the best permanency option for the child.

FORMS AND TOOLS

1. [Family Network Diagram](#)
2. GenoPro – Available via GenoPro Software

RELATED INFORMATION

Definition of Incapacity

An incapacitated person means an individual who:

1. Cannot be located upon reasonable inquiry;
2. Is unable
 - a. to manage in whole or in part of the individual's property,
 - b. to provide self care, or
 - c. both

because of insanity, mental illness, mental deficiency, physical illness, infirmity, habitual drunkenness, excessive use of drugs, incarceration confinement, detention, duress, fraud, undue influences of others on the individual, or other incapacity (as defined in IC 29-3-1-7.50 or having a developmental disability (as defined in IC 12-7-2-61).